

House Amendment 2037

PAG LIN

1 1 Amend Senate File 593, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 598.16, Code 2007, is amended
1 6 to read as follows:
1 7 598.16 CONCILIATION == DOMESTIC RELATIONS
1 8 DIVISIONS.
1 9 1. A majority of the judges in any judicial
1 10 district, with the cooperation of any county board of
1 11 supervisors in the district, may establish a domestic
1 12 relations division of the district court of the county
1 13 where the board is located. The division shall offer
1 14 counseling and related services to persons before the
1 15 court.
1 16 2. Upon Except as provided in subsection 7, upon
1 17 the application of the petitioner in the petition or
1 18 by the respondent in the responsive pleading thereto
1 19 or, within twenty days of appointment, of an attorney
1 20 appointed under section 598.12, the court shall
1 21 require the parties to participate in conciliation
1 22 efforts for a period of sixty days from the issuance
1 23 of an order setting forth the conciliation procedure
1 24 and the conciliator.
1 25 3. At any time upon its own motion or upon the
1 26 application of a party the court may require the
1 27 parties to participate in conciliation efforts for
1 28 sixty days or less following the issuance of such an
1 29 order.
1 30 4. Every order for conciliation shall require the
1 31 conciliator to file a written report by a date certain
1 32 which shall state the conciliation procedures
1 33 undertaken and such other matters as may have been
1 34 required by the court. The report shall be a part of
1 35 the record unless otherwise ordered by the court.
1 36 Such conciliation procedure may include, but is not
1 37 limited to, referrals to the domestic relations
1 38 division of the court, if established, public or
1 39 private marriage counselors, family service agencies,
1 40 community health centers, physicians and clergy.
1 41 5. The costs of conciliation procedures shall be
1 42 paid in full or in part by the parties and taxed as
1 43 court costs; however, if the court determines that the
1 44 parties will be unable to pay the costs without
1 45 prejudicing their financial ability to provide
1 46 themselves and any minor children with economic
1 47 necessities, the costs may be paid in full or in part
1 48 by the county.
1 49 6. Persons providing counseling and other services
1 50 pursuant to this section are not court employees, but
2 1 are subject to court supervision.
2 2 7. Upon application, the court shall grant a
2 3 waiver from the requirements of this section if a
2 4 party demonstrates that a history of domestic abuse,
2 5 as defined in section 236.2, exists. In determining
2 6 whether a history of domestic abuse exists, the
2 7 court's consideration shall include, but is not
2 8 limited to, commencement of an action pursuant to
2 9 section 236.3, the issuance of a protective order
2 10 against a party or the issuance of a court order or
2 11 consent agreement pursuant to section 236.5, the
2 12 issuance of an emergency order pursuant to section
2 13 236.6, the holding of a party in contempt pursuant to
2 14 section 664A.7, the response of a peace officer to the
2 15 scene of alleged domestic abuse or the arrest of a
2 16 party following response to a report of alleged
2 17 domestic abuse, or a conviction for domestic abuse
2 18 assault pursuant to section 708.2A.>
2 19 #2. Title page, line 1, by inserting after the
2 20 word <to> the following: <court procedures including
2 21 conciliation proceedings and>.
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2 25 HUSER of Polk
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2 29 PALMER of Mahaska
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2 33 SWAIM of Davis
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2 37 ANDERSON of Page
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2 41 STRUYK of Pottawattamie
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2 43
2 44
2 45 PETTENGILL of Benton
2 46 SF 593.201 82
2 47 jm/es/10215